

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROSS SCHUCKER, EDWARD FRYAR, VIRGILIO  
VALDEZ, TOM SHAFFER, STEVEN HEINRICH and  
SHANE BOWER on behalf of themselves and all other  
employees similarly situated,

PLAINTIFFS,

v.

FLOWERS FOODS, INC., LEPAGE BAKERIES  
PARK STREET, LLC, C.K. SALES CO., LLC and  
JOHN DOE 1-10,

DEFENDANTS.

Case No. 16-cv-3439 (KMK) (PED)

**ECF CASE**

**DECLARATION OF MATTHEW W. LAMPE IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO PLAINTIFFS'  
MOTION TO AMEND COMPLAINT**

I, Matthew W. Lampe, declare and state as follows:

1. I am a partner with the law firm Jones Day, and counsel of record for Defendants Flowers Foods, Inc. ("Flowers"), Lepage Bakeries Park Street, LLC ("Lepage"), and C.K. Sales Co., LLC (CK Sales) (collectively the "Defendants"). I am familiar with the facts and circumstances set forth herein and make this declaration in support of Defendants' Memorandum of Law in Support of Defendants' Motion for Summary Judgment and in Opposition to Plaintiffs' Motion to Amend Complaint.

2. Attached as Exhibit A is a true and correct copy of relevant excerpts from the Deposition of Jake Linthicum.

3. Attached as Exhibit B is a true and correct copy of relevant excerpts from the Deposition of Virgilio Valdez.

4. Attached as Exhibit C is a true and correct copy of relevant exhibits to the Deposition of Virgilio Valdez.

5. Attached as Exhibit D is a true and correct copy of the 2016 Form 1040 of Virgilio Valdez, produced by Plaintiffs and bearing Bates Nos. CONFIDENTIAL VV\_000915 – CONFIDENTIAL VV\_000924.

6. Attached as Exhibit E is a true and correct copy of relevant excerpts from the Deposition of Ross Schucker.

7. Attached as Exhibit F is a true and correct copy of relevant exhibits to the Deposition of Ross Schucker.

8. Attached as Exhibit G is a true and correct copy of the 2015 Form 1120S for Ross Schucker's business, Starring Rolls, Inc., obtained from the Internal Revenue Service ("IRS").

9. Attached as Exhibit H is a true and correct copy of relevant excerpts from the Deposition of Steven Heinrich.

10. Attached as Exhibit I is a true and correct copy of relevant exhibits to the Deposition of Steven Heinrich.

11. Attached as Exhibit J is a true and correct copy of the 2014 Form 1120S for Steven Heinrich's business, SAGN Corp., produced by Plaintiffs bearing Bates Nos. CONFIDENTIAL SH\_000448 – CONFIDENTIAL SH\_000457.

12. Attached as Exhibit K is a true and correct copy of the 2015 Form 1120S for Steven Heinrich's business, SAGN Corp., produced by Plaintiffs bearing Bates Nos. CONFIDENTIAL SH\_000458 – CONFIDENTIAL SH\_000471.

13. Attached as Exhibit L is a true and correct copy of the 2016 Form 1120S for Steven Heinrich's business, SAGN Corp., produced by Plaintiffs bearing Bates Nos.

CONFIDENTIAL SH\_000490 – CONFIDENTIAL SH\_000503.

14. Attached as Exhibit M is a true and correct copy of relevant excerpts from the Deposition of Shane Bower.

15. Attached as Exhibit N is a true and correct copy of relevant exhibits to the Deposition of Shane Bower.

16. Attached as Exhibit O is a true and correct copy of the 2013 vehicle inspection report of Shane Bower's delivery vehicle, produced by Plaintiffs bearing Bates No. SB\_000006.

17. Attached as Exhibit P is a true and correct copy of relevant excerpts from the Deposition of Thomas Shafer.

18. Attached as Exhibit Q is a true and correct copy of relevant exhibits to the Deposition of Thomas Shafer.

19. Attached as Exhibit R is a true and correct copy of relevant excerpts from the Deposition of Edward Fryar.

20. Attached as Exhibit S is a true and correct copy of relevant exhibits to the Deposition of Edward Fryar.

This declaration is made in accordance with 28 U.S.C. § 1746 and I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 24th day of July 2017.

s/ Matthew W. Lampe  
Matthew W. Lampe